

The Pennsylvania Public Benefits Project: Approved by the PLS and IOLTA Boards

In virtually all areas of Pennsylvania, advocacy by legal services specialists in public benefits has greatly diminished in the past twenty years. This is an area of law where pro bono service is of very limited help because of the substantive complexity of the subject matter. In the absence of fee-shifting or fee generating mechanisms, the private bar simply has not developed the specialty competence in the area. Public benefits involves an essential means of survival for the most desperately poor of our clients, and now, with opportunities for self-sufficiency accessible through Pennsylvania's welfare system, public benefits advocacy offers hope that many of our clients can get themselves out of poverty. For decades the Welfare Rights Organization (WRO) has recognized the importance of public benefits for Pennsylvania's indigent and been a leader in pushing for legal services assistance to clients in this area.¹

The Pennsylvania Public Benefits Project will increase the number of public benefits specialists around the state, train them, coordinate their work, and integrate them into the advocacy network currently consisting of a few advocates from regional programs and advocates from special projects and Community Legal Services. In so doing, the Project will strive to make Pennsylvania's welfare system among the most humanitarian in its treatment of clients, enable clients to get the benefits to which they are entitled, and help many of our clients out of poverty.

The Pennsylvania Public Benefits Project will bring together the expertise of the Health Law Project, the Utility Law Project, Community Legal Services, the Community Justice Project, client groups such as the WRO, and expertise currently existing in the regional Legal Services programs to train, assist, and coordinate the local, regional and statewide work in the public benefits area, including the work of a team of identified public benefits advocates within regional programs.

The regional public benefits advocates will receive training from public benefits specialists and client advocacy groups. In addition, expert staff will periodically review cases with regional team members and will ensure that the less experienced staff are provided periodic ongoing training and information, and are integrated into regional and statewide public benefits advocacy, such as the welfare listserv, law groups, specialty projects, Income Maintenance Advisory Committee, Medical Assistance Advisory Committee, LIHEAP Advisory Committee, and Employment and Training Advisory Committee.

PLS will review and approve plans submitted by regional programs. These plans should be tailored to account for the availability of public benefits

¹ The Welfare Rights Organization has reviewed and endorsed this proposal.

specialists and expertise currently existing in the region, the amount of funding provided by this project, working relationships and coordination with other programs (such as those in the Southwest), and any other distinctive regional factors, provided that the plans abide by the principles that follow. PLS will monitor the Project to ensure adherence to these principles and performance of the plans. CLS will be responsible for day-to-day administration of the project, including trainings, supervision, and interaction of regional Project staff with other specialists that will include specialists from CLS, CJP, PULP, and PHLP.

Under the administration of CLS, special projects with public benefits expertise, including CJP, PULP, PHLP, RHLS, and CLS itself will provide the training, supervision, and support necessary to accomplish the individual outreach and casework of the regional staff, as well as the structure and development of interaction needed to identify and pursue cases and issues of statewide importance that arise from the work of such staff. These groups will develop a plan to coordinate and share these responsibilities.

Regional programs shall submit plans to PLS for adding to their public benefits staffing, using the following principles:

- Programs shall provide additional dedicated case-handling staff, paralegals and/or lawyers, to work on public benefits as full-time² public benefits specialists. These case handlers will carry out a variety of region-wide activities to provide legal assistance to local residents eligible for public benefits. Programs shall ensure that organizations and potential clients from throughout the region have easy access to the specialists, possibly through the use of hotlines.

² Programs that already have at least one full-time public benefits specialist can add less than full-time staff, if they can show that these additional staff members will be able to learn and maintain public benefits expertise and not have their public benefits advocacy and their responsibilities as part of this statewide project diluted by other, non public benefits work.

- Activities shall include 1) outreach and community education to community groups and agencies which are comprised of or serve public benefits eligible persons, and to individual clients with the goal of assisting persons to gain or maintain access to public benefits,³ 2) in depth representation of clients, including representation at hearings and on appeals as necessary⁴, and some brief service telephone advice, 3) representation of clients to advance their plans for self-sufficiency, using strategies available to help parents access education and training programs and supportive services while they pursue such programs, 4) backup advice and technical assistance on legal issues to social services organizations and community groups working with public benefit recipients or applicants, and 5) systems advocacy to address issues that affect large numbers of public benefits applicants and recipients, as is consistent with LSC guidelines. Specific “deliverables” regarding these activities, which will be accomplished by each program, will be outlined in the program plan. (A “model” plan will be developed by CLS and CJP with examples of work that may be included in each program’s plan as a guide for local programs in designing the work they will agree to provide.)
- Each program shall develop a budget and deliverables for its project which shall identify the staff person(s) that will be supported. Project funds are to go to full-time⁵ public benefits staff salaries, benefits and expenses associated with the work of this staff.
- Project staff should have a demonstrable interest in this specialized work;
- Each program’s plan must include its stated willingness to coordinate and cooperate with the other members of the Project on training, data collection, publicity and such other efforts as are commonly agreed upon.

Public benefits shall include those programs administered by DPW: TANF and GA cash assistance (including supportive services), Food Stamps (including supportive services), Medical Assistance (and all other medical assistance

³ Outreach, community education, and training will be conducted with the staff and, where possible, the clients of various agencies including the Welfare Rights Organization, the PA Clients’ Council, Head Start, Community Action, Domestic Violence shelters, homeless shelters, family support centers, housing advocacy agencies, tenant councils, local human services agencies and councils, the NAACP and other African-American centers and advocacy organizations, Hispanic centers and advocacy organizations, refugee and immigrant support agencies, drug and alcohol rehab centers, welfare to work training providers, child health organizations, HIV support and service agencies, and agencies addressing the needs of disabled persons. Local programs will preliminarily identify some of the agencies with which they will work in their initial plan.

⁴ In cases where the Public Benefits Project Staff person is not an attorney, the regional program shall assure that program attorney staff be responsible for activity supervision and the handling of hearings and appeals where administrative or judicial rules require participation by a member of the bar.

⁵ See footnote 1, above.

programs for low income families, such as CHIP and ABC), LIHEAP (and all other utility benefits programs), and child care subsidies. In addition, public benefits shall include the Home Emergency Mortgage Assistance Program (HEMAP), administered by the Pennsylvania Housing Finance Agency, although the way in which the project will address this area is specially provided for. Regional Housing Legal Services will receive funding to support the statewide HEMAP website out of the 12% special projects' share of funds, in order to continue to make this site available to those needing help with HEMAP and in order to staff the website.⁶

Back up, training, mentoring, case supervision, and leadership on systems advocacy will be provided by staff from CLS, CJP, PULP and PHLP. CLS will be the lead agency for purposes of organizing and overseeing the project and will assign a lead staff person for this purpose.

⁶ The regional programs must be cognizant of the fact that HEMAP notices refer families to legal services, for help with HEMAP when they face foreclosure and programs should be prepared to assist clients making contact with the program, although the assistance will not necessarily be through the public benefits specialists.

In addition to CJP, PULP and PHLP, the other specialty programs, Friends of Farmworkers, Regional Housing and the Institutional Law Project will participate in this project by either providing direct public benefits legal assistance to specialized populations, or providing a back up, training or advocacy role. Each program will submit a plan and budget for its proposed work⁷.

It is anticipated that a total of \$600,000 will be allocated to this project, and that generally the funds will be distributed in accordance with existing PLS principles for funding allocations; i.e. 88% will go to field programs and 12% to specialty programs, field program funds will be distributed based on poverty population, and specialty program funds will be split equally among the six specialty projects. (This equal distribution has been recently agreed upon by those projects as a best method for distributing new funds. CLS has agreed to forego specialty project funds for the purposes of this \$600,000 project and receive only field program funding.) Because the Northwestern Legal Services will receive insufficient funding to pay the expenses for one full time person for the project in that region, the funding formula will be altered to provide for an extra \$10,000 in funds to Northwestern Legal Services on top of its percentage allocation. Expenses for statewide meetings and conference calls will be paid out of the existing PLS budget line for such costs to the extent consistent with current policy, and additional costs and expenses will be picked up by the programs. A line item for clients to train the new public benefits specialists on dealing with clients and the client perspective on public benefits programs and issues shall be included in the final project budget as well.

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⁷ It is recognized that the budget for the work committed to by these programs may exceed the limited funding available to the Specialty Projects and thus the programs may be providing significant matching dollars to perform the work they are taking on. One hope is that other fundraising for the larger project may eventually provide further funds to cover some of these costs.